

### REMARKS

Claims 1-74 were pending. Claims 1-48, 50-55, 64-65 and 73-74 have been cancelled without prejudice. Claims 49, 56-62 and 68-72 have been amended. New claims 75-86 have been added.

The specification has been amended at paragraphs [0068] and [0135] to delete references to hyperlinks.<sup>1</sup>

Support for the claim amendments and for the new claims can be found throughout the application as filed including, for example, in Table 132 (pages 101-102 of the application), and paragraphs [0065], [0071], [0072]. Applicants note that an extra carriage return has been inserted in amended claim 49 to facilitate the identification of amendments in the claim.

No new matter has been added.

#### Restriction Requirement

The Office required Applicants to elect one of 15 allegedly patentably distinct inventions for examination. Applicants respectfully traverse on the grounds that searching more than one of the groups set forth by the Office would pose no serious burden on the Office.

Applicants elect herein Group K, "drawn to a method for detecting cancer, by detecting a nucleic acid as cited in claim 49, or a combination thereof. A method for detecting each cancer, as recited on pages 7-9 in the specification using each nucleic acid, or each combination thereof constitutes a single, distinct invention." Applicants elect the proteasome component C7-I sequences and colon cancer.

Notwithstanding, Applicants note that each of the claimed sequences (SEQ ID NO:150, SEQ ID NO:152 and SEQ ID NO:154) relate to proteasome component C7-I mRNA. Applicants respectfully assert that searching all three of the claimed cancers (prostate; colon; stomach) with each of the three proteasome component C7-I mRNA sequences would not constitute an undue burden. Accordingly, Applicants respectfully request that the three proteasome component C7-I sequences and three cancers claimed should be searched together.

Applicants reserve the right to prosecute the claims encompassed by any of the non-elected groups in future divisional applications.

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<sup>1</sup> Paragraph numbering used herein is as set forth in WO2004/060304.

Applicant : Morris, et al.  
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Attorney's Docket No.: PP023367.0003/20366-0020US1

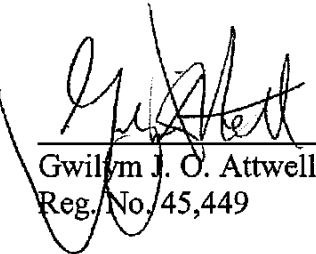
### **Conclusion**

The examination of the pending claims and passage to allowance are respectfully requested. An early Notice of Allowance is therefore earnestly solicited.

Please apply any charges or credits to deposit account 06-1050 referencing Attorney Docket No.: 20366-0020US1.

Respectfully submitted,

Date: **October 14, 2008**

  
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